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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SUE EARL,

Plaintiff,

vs.

NOVARTIS CONSUMER HEALTH,
INC.,

Defendant.

: Hon. Richard M. Berman, U.S.D.J.
: Civil No.: 07 CIV 9595 (RMB)
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:
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ORDER

THIS MATTER HAVING been opened to the Court by Defendant Novartis Consumer Health, Inc., on a motion for summary judgment pursuant to FED. R. CIV. P. 56; and the Court having reviewed the papers submitted in support of and in opposition to the motion; and having heard the arguments of counsel; and good cause having been shown:

IT IS on this ____ day of _____ 2008;

ORDERED that defendant's motion for summary judgment is hereby **GRANTED**; and it is

FURTHER ORDERED that plaintiff's Complaint be and hereby is **DISMISSED WITH PREJUDICE**; and it is

FURTHER ORDERED that plaintiff's Motion to Amend the Complaint to add Nestle Healthcare Nutrition as a Defendant is **DENIED**.

SO ORDERED.

Richard M. Berman, U.S.D.J.